



Entered on Docket  
October 03, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fourth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Bundy Canyon (\$5.725 Million)  
Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Bundy Canyon (\$5.725 Million) Loan, [DE 8787] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Bundy Canyon (\$5.725 Million) Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8787] is sustained;
- 5 2. The Proofs of Claim listed on **Exhibit A**, attached, are 80% disallowed and  
6 20% allowed to the extent those claims are based upon an investment in the Bundy Canyon  
7 (\$5.725 Million) Loan; and
- 8 3. To the extent those claims are based upon an investment in a different  
9 loan(s) they are not affected by this Order.

10  
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13  
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

17 3993 Howard Hughes Parkway, Ste. 600

18 Las Vegas, Nevada 89169-5996

19 Telephone: (702) 949-8320

20 Facsimile: (702) 949-8321

21 *Attorneys for USACM Liquidating Trust*

22

23

24

25

26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust**  
**Bundy Canyon (\$5.725 Million) Loan**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Bundy Canyon \$5,725,000 Loan</b>	<b>Amount Allowed</b>	<b>Amount Disallowed</b>
10725-02298	Jayem Family Lp Jacques Massa Gp	207 Sandpiper Village Way Henderson, NV 89012	936,807.81	240,000.00	48,000.00	192,000.00
10725-01968	Markwell, Monique	100 North Arlington Ave #9H Reno, NV 89501	202,384.90	50,000.00	10,000.00	40,000.00
10725-02433	Michaelian Holdings Llc	413 Canyon Greens Dr Las Vegas, NV 89144-0829	1,267,075.50	50,000.00	10,000.00	40,000.00
10725-02044	Naylon, Dominique	Po Box 2 Topaz, CA 96133	1,168,297.62	100,000.00	20,000.00	80,000.00
10725-02070	Robert R Rodriguez Revocable Trust Dtd 1/31/06	C/O Robert R Rodriguez Trustee 5748 Newberry Point Dr. Flowery Branch, GA 30542	152,297.26	50,000.00	10,000.00	40,000.00
10725-02090	Robert William Ulm Ira	Pensco Trust Company Custodian 414 Morning Glory Rd St Marys, GA 31558	1,415,506.00	50,000.00	10,000.00	40,000.00
10725-02149	Schnitzer Living Trust Dtd 10/24/91	Arthur F & Linn S Schnitzer Tees 20155 NE 38Th Ct, #1604 Aventura, FL 33180	3,549,806.80	100,000.00	20,000.00	80,000.00
10725-01909	Simon, Alan & Carol Tees Of Simon Family Tr 2000	1800 Waldman Ave Las Vegas, NV 89102-2437	202,866.68	50,000.00	10,000.00	40,000.00

**EXHIBIT A**

2427891.1